

RESOLUTION NO. 2010-32

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, MAKING FINDINGS OF FACT AND GRANTING A NON-USE VARIANCE TO THE PROPERTY OWNER OF 850 NE 118 STREET, BISCAYNE PARK, FLORIDA, ALLOWING A VARIANCE FROM THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES TO ALLOW A 12' X 16' SHED TO BE PLACED ON THE PROPERTY A MINIMUM OF 10' FROM THE SIDE AND REAR PROPERTY LINES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the owner of the property located at 850 NE 118 Street, Biscayne Park, Florida ("Applicant") has requested a variance from the Code to allow a 12' x 16' shed to be placed on the property a minimum of 10' from the side and rear property lines; and

WHEREAS, the Planning and Zoning Board met to review this request and recommended approval of the property owner's request; and

WHEREAS, the Village Commission has heard the request, evidence and testimony and hereby finds the following to be true:

1. There are special circumstances or conditions affecting the property which are such that the strict application of the provisions of the Village Code would deprive the Applicant from the reasonable use of his land;

2. The non-use variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant;

3. The granting of the non-use variance would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated; and

4. The non-use variance proposed is the minimum variance which makes possible the reasonable use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

